

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ESTATE OF VERL A. BRANTNER,

Plaintiff,

V.

OCWEN LOAN SERVICING LLC,

Defendant.

C17-582 TSZ

## JURY QUESTION

See next page.

1  
2 Is Instruction BA asking us to:  
3

4 (A) Determine whether the specific  
5 act(s) or practice(s) taken by Ocwen in  
6 ~~act(s) taken~~ this particular case,  
7 as they affect the Estate of Brantner in  
8 particular, has the capacity to deceive  
9 a substantial portion of the public  
10 who may or may not actually be ~~all~~  
11 involved with either the Estate of  
Brantner or Ocwen.

12 OR, ALTERNATIVELY:

13 (B) Determine whether the act(s) or  
14 practice(s) taken by Ocwen could be  
15 interpreted by ~~the~~ a substantial portion  
16 of the public as being deceptive (i.e.  
17 that they would be deceived if the  
18 act(s) or practice(s) were applied to  
19 them rather than the Estate of Brantner).  
20 ?

21 Presiding Juror/Chairperson  
22

In order to show that "the act or  
practice had the capacity to  
deceive" in Instruction BA, is  
it sufficient ~~to show~~ that each  
juror affirm an unfair or deceptive  
act or practice, which may be  
a different act or practice from juror  
to juror, or is it instead  
necessary that the jurors reach  
consensus with respect to the particular  
act(s) or practice(s)?

Presiding Juror / Chairperson

1  
2 RE: Instruction BA:  
3

4 Given that the specific act(s) or  
5 practice(s) discussed in this case  
6 specifically affect the Estate of Brantner  
7 in particular, ~~at least~~, not necessarily  
to the exclusion of any other parties,

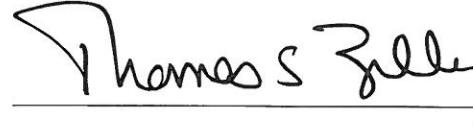
8 how are we to interpret the  
9 instructions that refer to a  
10 "substantial portion of the public" ?

11 Presiding Juror/Chairperson  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23

1  
2 Answer:  
3

4  
5 In deciding whether an unfair or deceptive act or practice as defined in  
6 Instruction No. 13A has been proven, you should ask yourself whether a  
7 substantial portion of the public might have been deceived if the act or practice at  
8 issue was applied to those members of the public. You must all agree on which  
9 act or practice, if any, had the requisite capacity to deceive a substantial portion of  
10 the public.

11  
12 Dated this 1st day of November, 2018.  
13

14  
15   
16

17 Thomas S. Zilly  
18 United States District Judge  
19  
20  
21  
22  
23